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15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 ROOSEVELT WILLIAMS, individually,

18 Plaintiff,

19 vs.

20 UNITED SERVICES AUTOMOBILE
21 ASSOCIATION; DOES 1 through 10, ROE
22 ENTITIES 11 through 20, inclusive jointly
23 and severally,

24 Defendants.

CASE NO. 2:14-cv-02092-GMN-GWF

STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINE

(THIRD REQUEST)

25 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective
26 counsel of record, hereby stipulate and request that this Court extend discovery in the
27 above-captioned case ninety (90) days, up to and including March 11, 2016. In addition,
28 the parties request that the dispositive motions and pretrial order deadlines be extended
for an additional ninety (90) days as outlined herein. In support of this Stipulation and
Request, the parties state as follows:

- 25 1. On December 11, 2014, Defendant removed the instant action to Federal
26 Court.
- 27 2. On December 11, 2014, Defendant filed its Answer to Plaintiff's Complaint

1 with Federal Court.

2 3. On December 29, 2014, Defendant filed its Statement Regarding Removal.

3 4. On February 2, 2015, the parties prepared and the Court then entered a
4 Discovery Plan and Scheduling Order (the Order).

5 5. On February 3, 2015, Plaintiff served his initial document and witness
6 disclosures.

7 6. On March 10, Defendant served it's initial document and witness
8 disclosures.

9 7. On March 20, 2015, Defendant served written discovery on Plaintiff.

10 Plaintiff served his responses to Defendant's Discovery request on May 6,
11 2015; however, Plaintiff did not provide signed medical authorizations until
12 August 12, 2015. Plaintiff has agreed to provide supplemental responses to
13 his Interrogatories identifying medical providers he treated with prior to the
14 subject accident, so Defendant can utilize the medical authorization.

15 8. On April 16, 2015, Plaintiff served written discovery on Defendant.

16 Defendant served its responses to Plaintiff's Discovery on May 14, 2015.

17 9. Defendant took the deposition of Dr. Leo Germin on August 11, 2015.

20 DISCOVERY REMAINING

21 1. Defendant will take the deposition of Plaintiff; however, due to the apparent
22 grave medical condition of Plaintiff (due to illness unrelated to the subject accident), and
23 from which is not expected to recover, the parties are required to explore alternate means
24 of completing his deposition.

25 2. Plaintiff will take the deposition of Defendant's representatives.

26 3. The parties will collect Plaintiff's medical and billing records related to
27 medical treatment following the accident, as well as medical records for medical

1 treatment Plaintiff underwent prior to the subject accident.

2 4. The parties will take the depositions of the designated expert witnesses.

3 5. The parties will take the depositions of Plaintiff's medical providers once
4 Defendant is able to obtain the medical records.

5 6. The parties will take the depositions of any and all other witnesses garnered
6 through discovery.

7 This Request for an extension of time is not sought for any improper purpose or
8 other purpose of delay. Rather, it is sought by the parties solely for the purpose of
9 allowing sufficient time to conduct discovery.

10 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

11 The parties have exchanged written discovery requests. Defendant received a
12 signed medical authorization on August 12, 2015; however, Plaintiff has not yet provided
13 information related to medical providers he sought treatment with prior to the subject
14 accident. Defendant is of the understanding that Plaintiff is currently in a declining state
15 of health, so significant, that he is confined to his home with in-home medical services
16 attending to his needs. The reason for his declining health appears to be unrelated to
17 injuries sustained in the accident, but instead, related to a long standing medical
18 condition/illness. It is the parties' understanding that Plaintiff's current state of health may
19 have had some impact on his ability to provide a complete history of his medical
20 treatment prior to and subsequent to the subject accident as requested by way of
21 Defendant's written discovery. However, Plaintiff's counsel is working with Plaintiff to
22 obtain sufficient medical information to allow Defendant to utilize the medical
23 authorization to obtain pertinent pre-accident medical records. Plaintiff's prior medical
24 condition is particularly important in this case because he is alleging significant
25 neurological injuries as a result of the subject accident.

26 Defendant has requested Plaintiff supplement his discovery responses with

1 information related to his prior medical condition so the status of Plaintiff's pre-accident
 2 medical condition can be understood. Defendant also intended to obtain and/or confirm
 3 this information at Plaintiff's deposition. However, the parties became aware recently of
 4 the serious nature of Plaintiff's declining health which prevents him from leaving his
 5 house to attend a deposition. Moreover, it appears Plaintiff's condition requires only a
 6 limited period of time in which he could sit for a deposition in his home. Accordingly, the
 7 parties are in the process of determining the best means possible to obtain pertinent
 8 information from Plaintiff while accommodating his health needs.

9 The parties anticipate that Defendant will collect Plaintiff's medical records once a
 10 list of medical providers are provided to Defendant. Since Plaintiff is alleging significant
 11 neurological injuries as a result of the accident, in addition to neck and back injuries, it will
 12 be necessary for all medical records to be obtained in order for Defendant to adequately
 13 assess expert retention for this case. Thus, the parties are requesting an extension to the
 14 deadline in which to designate experts for this case. Plaintiff has requested to take the
 15 deposition of one or more of Defendant's employees involved in handling Plaintiff's
 16 underinsured motorist claim ("UIM claim") and the parties will need to coordinate dates for
 17 these depositions. Defendant's employees are located out of state, so it will require travel
 18 by the parties for the depositions. Once Plaintiff's medical records are obtained, the
 19 parties may need to schedule the depositions of certain of Plaintiff's treating physicians
 20 as well as the depositions of any expert witnesses. The parties have already completed
 21 the deposition of Plaintiff's neurologist, Dr. Leo Germin.

22 The parties have conferred regarding discovery for this case and the issues made
 23 known recently regarding the state of Plaintiff's declining health which complicates
 24 discovery for this case. It appears the parties can work together to complete the
 25 discovery requested with additional time allowed by this court.

26 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4
 27 governs modifications or extension of this discovery plan and scheduling order. Any
 28 stipulation or motion must be made no later than twenty-one (21) days before the

1 expiration of the subject deadline, and comply fully with LR 26-4.

2 The following is a list of the current discovery deadlines and the parties' proposed
3 extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	December 11, 2015	March 10, 2016
Expert Disclosure pursuant to Fed R. Civ. P. 26 (a)(2)	October 9, 2015	January 7, 2016
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	November 11, 2015	February 8, 2016
Interim Status Report	October 9, 2015	January 7, 2016
Dispositive Motions	January 12, 2016	April 11, 2016, or at least thirty (30) days after the close of discovery
Joint Pretrial Order	February 10, 2016	May 11, 2016, or at least thirty (30) days after the decision of last Dispositive Motions

15 This Request for an extension of time is not sought for any improper purpose or
16 other purpose of delay. Rather, it is sought by the parties solely for the purpose of
17 allowing sufficient time to conduct discovery in this case and adequately prepare their
18 respective cases for trial.

19 This is the third request for extension of time in this matter. The parties
20 respectfully submit that the reasons set forth above constitute compelling reasons and
21 good cause for the short extension.

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1 WHEREFORE, the parties respectfully request that this Court extend the discovery
2 period by ninety days (90) days from the current deadline of December 11, 2015 up to
3 and including March 10, 2016 and the other discovery dates as outlined in accordance
4 with the table above.

5 DATED this 18th day of September, 2015. DATED this 18th day of September, 2015.
6

7 LEWIS BRISBOIS BISGAARD & SMITH RICHARD HARRIS LAW FIRM

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15 **ORDER**

16 IT IS SO ORDERED.

17 Dated this 21st day of September, 2015.

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20 GEORGE FOLEY, JR.
21 United States Magistrate Judge
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